

CHAPTER NO. 759

HOUSE BILL NO. 2666

By Representatives Russell Johnson, John DeBerry, Stanley, Hawk, Buttry

Substituted for: Senate Bill No. 2910

By Senator Miller

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6, relative to the review of age appropriate modifications of parenting time and visitation arrangements with the children of parents in child custody orders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a)(2), is amended by deleting the language "or a residential parenting arrangement" from the first sentence of item (B).

SECTION 2. Tennessee Code Annotated, Section 36-6-101(a)(2), is further amended by adding the following language as a new item (C):

(C) If the issue before the court is a modification of the court's prior decree pertaining to a residential parenting schedule, then the petitioner must prove by a preponderance of the evidence a material change of circumstance affecting the child's best interest. A material change of circumstance does not require a showing of a substantial risk of harm to the child. A material change of circumstance for purposes of modification of a residential parenting schedule may include, but is not limited to, significant changes in the needs of the child over time, which may include changes relating to age; significant changes in the parent's living or working condition which significantly affect parenting; failure to adhere to the parenting plan; or other circumstances making a change in the residential parenting time in the best interest of the child.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 6, 2004



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of May 2004



PHIL BREDESEN, GOVERNOR